

Oakland Man Is Linked to Fatal Stabbings

FEB - 9 1974
BERKELEY—A young man whom Oakland police say is suspected of slaying three persons at the Albert Brown Mortuary Jan. 31 is in custody here, after surrendering to face other charges brought in Berkeley.

Michael Steven Jackson, 21, of 879 44th St., Oakland, was brought to police headquarters here yesterday by his father.

Berkeley police said he is being held on a warrant charging rape, kidnaping and robbery, but refused to give further details of the charges.

Sgt. Fred Farkas of the Oakland police homicide detail said his unit has "physical evidence" linking Jackson with the stabbing murder of Clarence Bryant, 75, his wife, Doris, 68, and Michael Moore, 27, at the mortuary.

Farkas and his partner, Sgt. Lewis Mace, said Oakland police have placed a "hold" on Jackson, at the Berkeley jail.

Moore, a student mortician, and the Bryants, caretakers of the funeral parlor at 3476 Piedmont Ave., were stabbed numerous times after young Moore apparently opened the door to a late-night caller and was then slain after what appeared to be a fierce struggle in one of the ground-floor public rooms.

Farkas said Jackson apparently telephoned his father yesterday when he learned of the Berkeley arrest warrant, and the father accompanied him when he surrendered to police.

Slaying Suspect Held in 2 Cases

FEB 10 1974

Oakland and Berkeley police, investigating two separate crimes, discovered this week they had independently come up with the name of the same suspect.

That was Michael S. Jackson, 20, of 879 44th St., Oakland, now a suspect in the Jan. 31 knife murder of three persons in an Oakland mortuary and the Jan. 21 rape-kidnap of a woman in Berkeley.

Spokesmen in both agencies refused to discuss what evidence they have linking Jackson with either crime, although Sgt. Fred Farkas of the Oakland police homicide detail said there was "solid physical evidence" that Jackson was involved in the mortuary slayings.

Two brothers, traced

Court tomorrow on the kidnap-rape charges, when Oakland police will probably ask that he be held to appear here on the triple murder charges.

through descriptions by witnesses of their auto license number, were originally arrested for the Berkeley kidnap-rape, according to police Inspector Al Chellew.

They were Kenneth Davis, 20, and his brother, Samuel, 21, both of 843 43rd St., Oakland—a block from Jackson's home.

But Samuel Davis was subsequently cleared, Chellew said, and released last Tuesday when the investigation began pointing to Jackson as the second rape suspect. When Chellew went to Oakland police seeking information about Jackson, Sgt. Farkas learned of the inquiry and the two departments established a joint investigation.

In the Berkeley case, a 23-year-old woman was abducted from the 2600 block of Stuart Street by two men who pulled her screaming into their car. Neighbors dashed to her aid and caught her by the legs, but the car pulled away with her.

Police said the victim was raped by both men, robbed of two rings, beaten and left tied to a tree in the hill area.

The Oakland mortuary murders, 10 days later, left caretaker Clarence Bryant, 75; his wife, Doris, 68; and mortuary science student Michael Moore, 27, all stabbed to death at the Albert Brown Mortuary, 3476 Piedmont Ave., where all three lived.

Police said young Moore apparently opened the door to a late-night caller and was killed during a bloody struggle.

Continued Back Page, Col. 1

Continued from Page 1

gle. The Bryants were hacked to death after Moore was slain, police said.

According to Inspector Chel-lew and Sgt. Farkas, Berkeley police called Jackson's father and told him an arrest war-rant had been issued for his son. Late Friday, the father and son arrived at Berkeley police headquarters, where the youth surrendered.

Farkas and his partner, Sgt. Lewis Mace, had already ob-tained arrest and search war-rants for Jackson in connec-tion with the mortuary kill-ings. After Jackson was in custody in Berkeley, Farkas said, they searched his home.

Jackson is expected to ap-pear in Berkeley Municipal Court tomorrow on the kid-nap-rape charges, when Oak-land police will probably ask that he be held to appear here on the triple murder charges.

Complaint Filed In Triple Killing

FEB 12 1974
A complaint charging Michael S. Jackson with the Albert Brown Mortuary murders was signed yesterday by Sgt. Fred Farkas of the Oakland Police Department.

Jackson was arraigned in Berkeley yesterday on five counts of kidnap, rape and robbery in a separate case 10 days before the murders.

The complaint signed by Farkas also charged Jackson with one count of burglary and one count of robbery.

Jackson was surrendered by his father last Friday after Berkeley police issued a warrant for his arrest for investigation of the Jan. 21 rape-kidnap and robbery of a 23-year-old woman who was dragged screaming into a car on Stuart Street by two men.

She was raped by both men, robbed of two rings, beaten, then abandoned in the hill area.

Ten days later, on Jan. 31, three persons—caretaker Clarence Bryant, 75, his wife, Doris, 68, and science student Michael Moore, 27—were stabbed to death at Albert Brown Mortuary, 3476 Piedmont Ave., where all three lived.

Following a weeklong investigation, Oakland police came up with the name of Jackson as a prime suspect in the mortuary murders, and issued a warrant for his arrest at the same time Berkeley police took him into custody.

Jackson, of 879 44th St., Oakland, pleaded not guilty before Berkeley Municipal Court Judge George Brunn on two counts of rape, one count of robbery, two counts of sex-

ual perversion and one count of kidnaping.

Judge Brunn set 9 a.m. Feb. 22 for preliminary hearing. Jackson is being held in lieu of \$30,000 bail.

Innocent Plea Entered in Triple Slaying

FEB 16 1974
Michael S. Jackson, 20, pleaded innocent to murder charges yesterday in connection with the slaying of three persons in the Albert Brown mortuary Jan. 31.

Oakland Municipal Court Judge J. Robert Friberg set March 8 for his preliminary examination.

Caretakers Clarence Bryant, 75, and his wife, Doris, 68, and student mortician Michael Moore, 27, were all found dead at the mortuary.

Oakland Police Sgt. Fred Farkas said extensive help from residents near the mortuary, at 3746 Piedmont Ave., had enabled police to prepare their case against Jackson.

Farkas praised the residents of the neighborhood for their help.

Suspect in 3 Slayings Bound Over

APR - 3 1974
Michael Jackson, 20, was ordered bound over to Alameda County Superior Court to stand trial on charges of murdering three persons in the Albert Brown Mortuary Jan. 29.

Judge J. Robert Friberg of Oakland Municipal Court yesterday ordered Jackson, of 879 44th St., to appear for arraignment in Superior Court April 15. Jackson is being held without bail.

He is charged with three counts of murder and one count each of burglary, kidnaping, sexual perversion, rape, and assault with a deadly weapon.

The murder charges stem from the triple slaying in the mortuary, where caretakers Clarence Bryant, 75, and his wife, Doris, 68, and student mortician Michael Moore, 27, were all found hacked to death by knife.

The other charges stem from an incident in Berkeley 10 days before the mortuary killings in which a young woman was dragged into a passing car and raped.

Judge Friberg ordered Jackson bound over for trial following a preliminary examination in Municipal Court.

3 Mortuary Deaths: Plea Of Innocence

APR 29 1974
Michael S. Jackson, 20, charged with murdering three persons at the Albert Brown Mortuary Jan. 29, pleaded innocent to 11 felony counts in Alameda Superior Court today.

Judge William J. McGuinness ordered Jackson, who is being held without bail, to court on May 9 for a trial date.

Jackson's attorney, Clinton White, said he was reserving the right to enter a plea of not guilty by reason of insanity.

Jackson is the first man to be arraigned on a capital offense in Alameda County since the new state death penalty became effective in January. Under the new law, the death penalty can be considered for murder of two or more persons.

Besides the murders, Jackson is charged with one count of burglary and, stemming from the rape of a 23-year-old Berkeley woman Jan. 21, of kidnap, two counts of rape, armed robbery, assault with a deadly weapon and two counts of sex perversion.

White said he would challenge the constitutionality of the death penalty.

The murder and burglary charges stem from the deaths of Clarence Bryant, 75, and his wife, Doris, 68, and a student mortician, Michael Moore, 27.

Kenneth Davis, 20, pleaded guilty to charges stemming from the Berkeley rape and is now serving a two-to-50-year prison term.

According to witnesses, the Berkeley woman was dragged from the sidewalk by two men. She was raped, beaten and robbed and left tied to a tree in Tilden Park.

Witness Says Suspect in Mortuary Before Slayings

MAR 16 1974
Prosecution witnesses have sworn under oath that Michael S. Jackson, defendant in the Albert Brown Mortuary triple stabbing murders in January:

- Appeared at the mortuary about 7 p.m. Jan. 29, the night before the murders, and was given a 20 to 30-minute tour of the premises after telling an employee that he was interested in becoming a mortuary student.

- Was known to be seeking embalming fluid to try out a new formula for making "synthetic weed," a compound normally concocted of chopped parsley and animal tranquilizer, which gives a "high" when smoked.

- Spoke to an acquaintance about robbing a mortuary, then, after showing the acquaintance a knife, indicated that the Albert Brown Mortu-

ary was the one he was going to rob while the two were riding past the establishment in an AC Transit bus.

- Appeared at the home of a friend who normally "ran" with him about 9:30 or 10 p.m. the night before the murders were discovered with a bottle of "ether," which matched, both in bottle and substance, the appearance of the pink embalming fluid used at Albert Brown Mortuary.

Jackson, tall, slender and clean shaven, appeared yesterday before Oakland Municipal Court Judge J. Robert Friberg for his preliminary hearing on charges that he murdered three persons who lived on the premises at the Brown Mortuary, an elderly caretaking couple, Clarence Bryant, 75, and his wife, Doris, 68, and a student undertaker, Michael Moore, 27.

All were found in the mortuary early the morning of Jan. 31, dead of a frenzied and efficient stabbing attack.

Alameda County forensic pathologist Dr. George S. Loquvam testified that a knife with a 7- to 9-inch blade and one sharpened side had inflicted nine wounds on Bryant, 13 on his wife, and a dozen on young Moore.

Loquvam was the first prosecution witness to take the stand after Judge Friberg called the hearing to order, recited a number of constitutional rights to the defendant, then, addressing Jackson directly said, "There is the possibility that the death penalty may be involved here. I wouldn't want you to be surprised by that at a later time."

Defense attorney is Clinton W. White and Albert Meloling, deputy district attorney, is prosecuting.

Jackson, 20, a former Laney College student, is held at the Alameda County jail on charges of murder, burglary and robbery, all stemming from the mortuary incident. He also faces five counts of kidnap, rape and robbery re-

sulting from an incident 10 days before the murders in which a young woman was dragged screaming into a car on Stuart Street in Berkeley. Jackson lives at 879 44th St.

The hearing was adjourned at 5 p.m. and was continued until 10 a.m., March 29.

Lloyd Davis, a Brown Mortuary embalmer, said the defendant came to the mortuary about 7 p.m. Jan. 29.

"He came to the side door. He said he was looking for part-time work. I talked to him 15 or 20 minutes before I invited him in." The visitor said he wanted to enroll in mortuary school, Davis said, so, during the tour of the layout, he introduced Jackson to Moore, whose door happened to be open.

"Since he wanted to go to mortuary college and Mike was a student at mortuary college, I introduced them," Davis said. "He was very polite the night he came to see me," the embalmer added.

Davis also identified the embalming fluid used at the mortuary as "Firmoil," which he said is "quite pink."

APR 30 1974 Innocent Plea in Mortuary Deaths

Michael S. Jackson, 20, charged with murdering three persons at the Albert Brown Mortuary Jan. 29, pleaded innocent to 11 felony counts in Alameda Superior Court yesterday.

Judge William J. McGuinness ordered Jackson to court on May 9 for a trial date.

Jackson's attorney, Clinton White, said he was reserving the right to enter a plea of not guilty by reason of insanity.

Besides the murders, Jackson is charged with burglary and, stemming from the rape of a 23-year-old Berkeley woman Jan. 21, of kidnap, rape, armed robbery, assault with a deadly weapon and sex perversion.

3 Mortuary Deaths; Trial Set Aug. 5

Trial has been set for Aug. 5 for an Oakland man accused of slaying two elderly mortuary operators and an apprentice mortician last January 29.

MAY 10 1974

Alameda County Superior Court Judge William McGuinness yesterday ordered Michael Jackson, 20, to stand trial on 11 counts of murder, robbery, kidnaping and sex perversion. Pretrial hearings will begin July 19.

Jackson pleaded innocent April 29 to murdering Clarence Bryant, 75; his wife, Doris, 68, and student mortician Michael Moore, 27. The three victims were found hacked to death in the Albert Brown mortuary.

Jackson also has pleaded innocent to other charges stemming from the Jan. 21 abduction of a 23-year-old Berkeley woman who was robbed, raped, beaten and left tied to a tree in Tilden Park. Kenneth Davis, 20, has pleaded guilty to the same charges and is now serving a two-to-50-year prison term.

Jackson was the first suspect to be arraigned for a capital offense in Alameda County since the new state death penalty became effective in January. Under the statute the death penalty can be considered in cases of multiple murder. Defense attorney Clinton White said he would challenge the constitutionality of the law.

'Zebra' Case Trial Delayed 3 Weeks

11-13-74

The trial of four men accused of murder in the so-called "Zebra" slayings will be delayed three weeks because a defense attorney is involved in an Alameda County murder trial, San Francisco Superior Court Judge Joseph Karesh said yesterday.

Defense attorney Clinton White, who represents three of the four "Zebra" suspects, is a court-appointed attorney in the Oakland murder trial of Lance Brown. Brown is accused of killing an East Oakland grocer Feb. 17 and a Grove Street liquor clerk two years ago. Jury selection will begin in Alameda County Superior Court tomorrow.

Judge Karesh met with Alameda County Superior Court Judge Harold Hove and said the two judges agreed that White will try the Alameda case first and when it is completed, jury selection will

commence in the San Francisco 'Zebra' trial.

In the San Francisco case, White is representing Larry C. Green, J.C. Simon, and Manuel Moore. The fourth defendant is Jessie Cooks, who is represented by Roger Pierucci.

Following the completion of the Zebra trial, Judge Karesh said White will return to Alameda County to represent Michael Brown, who is accused in the triple slaying of two elderly mortuary operators and an apprentice mortician at the Albert Brown Mortuary last Jan. 29.

Representing White in court yesterday was John Cruikshank, the defense attorney's associate. When asked by Judge Karesh where White was, Cruikshank said he was awaiting a verdict in a San Jose case.

S. Jackson

MURDERER of Woman Gets Life Sentence

MAR - 1 1975

George Carnegie of Oakland, who pleaded guilty to the robbery-slaying of a Castro Valley mother of two, has been sentenced to life in prison.

Superior Court Judge Harold Hove also remanded the 18-year-old to prison on concurrent five-year-to-life terms for the armed robbery of the Pizza Hut at 70 Eastmont Mall, Oakland, and another Pizza Hut at 310 MacArthur Blvd., San Leandro, both in October, 1974.

Carnegie pleaded guilty to first-degree murder in the slaying of Mrs. Edythe M. LaFleur of 1826 Madison Ave., Castro Valley, last Oct. 14. She was shot as she tried to block Carnegie's escape after he robbed the Jubilee Bar at 4712 East 14th St.

Meanwhile, Carnegie, along with two other accused murderers, Michael S. Jackson and Wesley Grayson, is awaiting trial for attacking a fellow prisoner who, authorities said, reported that the three planned to murder one of the jailers where the men are held in the courthouse jail.

Button Key Trial Evidence

By HAVELOCK HUNTER

MAY 27 1976

A man's jacket button found beside the body of one of three victims of the Albert Brown Mortuary mass murder of 1974 has become a part of key evidence in the trial of Michael S. Jackson, 22.

A description of the brown and white button was given yesterday by Oakland police Sgt. Lewis Mace, a homicide investigator who was first on the scene of the slayings at the funeral home at 3476 Piedmont Ave. Jan. 31, 1974.

He testified before a jury of eight women and four men empaneled by Superior Court Judge Stanley P. Golde. The trial could lead to a death penalty.

Sgt. Mace said he noted the button with a pair of spectacles beside the body of Mrs. Doris Bryant, 68, a live-in night phone receptionist, in a side corridor.

To reach it he had stepped past the body of her husband, Clarence Bryant, 75, which lay in a hallway near the entrance. A heavy ashtray, which apparently Mr. Bryant was carrying as a weapon, was on the floor.

When he spotted the button beside the wife, Mr. Mace testified "it did not fit the clothing she was wearing." He went into the chapel where among overturned pews he saw "a pair of men's feet protruding into the aisle." It was the body of Michael Moore, 27, a mortuary trainee.

The bodies, discovered by

custodian Hans Langschwager when he reported to work in the morning, all had multiple stab wounds apparently inflicted by a seven to nine inch knife.

Prosecutor John L. Taylor contends that Mr. Jackson had toured the mortuary shortly before with the explanation that he was interested in becoming a mortician. The defendant's objective, he said, was to steal bottles of formaldehyde to soak "parsley reefers" for sale to narcotics users at \$5 apiece. A trail of broken embalming fluid bottles was found.

Berkeley police Inspector Al Chelley testified he investigated Mr. Jackson as a suspect in a two-man kidnap-rape-robbery of a 23-year-old woman Jan. 21, 1974.

He said he obtained an arrest-search warrant and went to Mr. Jackson's home at 874 44th St., accompanied by Oakland homicide Sgt. Fred Farkas, on Feb. 8.

He was seeking as evidence a brown jacket, described by the rape victim. Mr. Jackson's father turned over a jacket from his son's closet. A button was missing from it. Mr. Jackson during interrogation by Inspector Chelley asked if a button was missing from the coat, a fact recognized by Sgt. Farkas; Mr. Chelley stated.

The youth denied he had anything to do with the killings, the officer testified.

JUN 30 1976

Mortuary Murderer Convicted

Michael S. Jackson, 22, was found guilty yesterday of hacking and stabbing three persons to death in the Albert Brown Mortuary, 3476 Piedmont Ave.

Jackson, who once visited the mortuary on the pretext of planning a mortuary career, could be sentenced to death under any one of nine special circumstances, according to Dep. Dist. Atty. John Taylor, who prosecuted the case.

A jury of eight women and four men returned three verdicts of first degree murder and one of first degree burglary late yesterday in the court of Superior Court Judge Stanley P. Golde. The jury had deliberated three days following completion of a trial that started May 3. Oakland attorney Clinton White handled Jackson's defense.

The same jury will convene again Tuesday in Golde's courtroom to consider the special circumstances under which the death penalty could be imposed.

Death Sentence Ruled

JUL - 9 1976

By HAVELOCK HUNTER

A superior court jury has decreed death for mortuary slayer Michael Jackson, 23, but his attorney contends the defense was precluded by state law from presenting mitigating circumstances surrounding his client's acts.

A panel of eight women and four men, which had convicted Jackson of first degree murder in a triple killing in the Albert Brown Mortuary Jan. 31, 1974, found in penalty phase deliberation there were six special circumstances mandating capital punishment.

The jury handed its decision to Judge Stanley P. Golde yesterday after deliberating a day and a half on the circumstances surrounding the deaths. The court set Aug. 6 for a motion for a new trial, further argument on the constitutionality of California's death law, a probation report and passage of sentence.

Defense counsel Clinton W. White argued that the U.S. Supreme Court's latest decision on mandatory state death sentences made California's illegal.

Prosecutor John L. Taylor declared it is in the court's discretion to consider mitigating circumstances itself—even after a jury verdict—and that witnesses may be called in a separate hearing.

Mr. White wants Judge Golde to rule that California's penalty law is illegal.

Jackson was found guilty of the stabbing deaths of Mrs. Doris Bryant, 68, and her husband, Clarence Bryant, 75, and Michael Moore, 27, all mortuary employees. The jury in its penalty verdict did not find that the special circumstances included burglary in commission of the slayings.

The state held that the purpose of the attacks with a butcher knife was to gain entry to the mortuary's preparation room in order to steal bottles of embalming fluid for the manufacture of synthetic marijuana cigarettes to sell in the underworld drug market.

Jackson, arrested for a reputed rape in Berkeley, denied the killings. However, under cross-examination, he did not explain where he was the fatal night or spots of blood on a jacket found in his home at 879 44th St., according to the prosecution.

The state called as witness-

es friends of the defendant who attested to incriminating evidence linking Jackson to the crimes. One said that he had been urged to join with Jackson in the robbery of the mortuary at 3476 Piedmont Ave. and been shown a butcher knife the defendant assert-

edly said he was going to use and that Jackson said he was going to kill anybody in his way.

Another witness companion told of Jackson showing up with a bottle of fluid which the defendant used to soak a parsley cigaret in an experi-

ment to make an ersatz marijuana reefer by baking it in an oven. The test fizzled, he said.

Mr. Taylor said that the defendant "cased" the mortuary by pretending he wanted to become a mortician student.

State Death Law Ruled Unconstitutional

ECC SEP 10 1976
Alameda County Superior Court Judge Stanley P. Golde today held California's death penalty law unconstitutional in sentencing convicted triple killer Michael Jackson, 23, instead to life imprisonment.

A jury on July 8 found special circumstances around the murders in the Albert Brown Mortuary in Oakland to be true, and called for an automatic death penalty.

Jackson was found guilty of first degree murder in the stabbing deaths of Mrs. Doris Bryant, 68, and her husband, Clarence, 75, and Michael Moore, 27, all mortuary employees. The evidence was capped with the discovery of a button from Jackson's jacket found beside the body of Mrs. Bryant.

Jackson had entered the mortuary on Jan. 31, 1974 for the purpose of stealing embalming fluid for the manufacture of synthetic marijuana cigarettes for sale in the drug market. Several bottles of the fluid were smashed as he ran out of the building and circumstantial and physical evidence established his guilt.

In ruling the death penalty unconstitutional, Judge Golde cited three recent U.S. Supreme Court decisions. These require the consideration of mitigating circumstances and personal characteristics of the defendant in a first degree murder case.

The judge found the 1973 state legisla-

Continued Back Page, Col. 3

Rev. Sun Myung Moon has
NEW YORK (AP) — The
tative act to be in fault in not permitting
the introduction of mitigating circum-
stances during the course of the penalty
trial.

The district attorney's office said it
would appeal Judge Golde's ruling.

Death Sentence Ruling

Slayer Lucky, Lawyer Says

SEP 11 1976

By HAVELOCK HUNTER

Mass slayer Michael Jackson today "can consider himself a very lucky man" in escaping Death Row at San Quentin, in the opinion of his veteran criminal defense lawyer.

Clinton W. White, who has been practicing law since 1949, was commenting on yesterday's action by Superior Court Judge Stanley P. Golde in sentencing Jackson to life in prison for the stabbing murders of three employees of an Oakland mortuary in 1974.

The judge, a top-flight defense attorney himself before being named to the bench, declared as unconstitutional the sentencing provision of California's death penalty law of 1973.

He called upon the Legislature to bring the provision within the guidelines of five recent decisions of the U. S. Supreme Court.

Judge Golde struck out the imposition of the automatic sentence of death provided in state law for a defendant who has been convicted of first degree murder and a finding by a jury that special circumstances surrounding the act be true.

Jackson, 23, was convicted by a jury of first degree murder in the fatal stabbings of Doris Bryant, 68, her husband, Clarence, 75, and Michael Moore, 27, in the Albert Brown Mortuary at 3476 Piedmont Ave. the night of Jan. 31, 1974.

The jury found to be true six special circumstances, including burglary in the commission of the slayings. California's current law provides that in such instances capital punishment is required.

In weighing the imposition of a mandatory sentence, Judge Golde concluded that the sentencing sections do not provide "the means by which the penalty process may be revised so that the defendant's own character and other factors in mitigation may be considered."

Trial prosecutor John L. Taylor had successfully opposed introduction by White of mitigating circum-

stances. Since he was absent on vacation yesterday, Asst. Dist. Atty. John J. Meehan announced an appeal will be carried to state Supreme Court on Judge Golde's reduction of sentence.

Mr. White told reporters after the sentencing that his client "had nothing much else going for him" save the defense attack on the state law. He said that Jackson was "strictly raised" by his parents but that "drugs blew him."

These were elements White had hoped to get before the jury as mitigating circumstances.

The people's case established that Jackson forced his way into the darkened mortuary, slew the attendants one by one as they tried to intercept him, and carried away bottles of embalming fluid to make synthetic marijuana cigarettes for sale in the underworld drug market.

A button of his jacket was found by the body of Mrs. Bryant and a friend told of Jackson displaying a butcherknife and revealing his plan of attack and theft. Jackson became a suspect after he was arrested on a Berkeley rape charge. Mr. White has moved to dismiss that count in preparation for a hearing Sept. 27.

Judge Golde's remarks on pronouncement of sentence stressed the fact that the U. S. Supreme Court has held in recent southern states cases "that a capital sentencing system is unconstitutional unless it allows the sentencing authority to consider mitigating circumstances," adding:

"A constitutional requirement is the need for individualized consideration of the conduct of the individual as a person but not as a cipher before the death penalty permissively can be imposed."

He noted that the highest court said in three key cases that "such type of evidence as to mitigation would be emotional stability of the defendant, prior criminal involvement, and the background and education of the person charged."

Mortuary Killer

Convict Admits Rape

JUL - 1 1977

San Quentin convict Michael S. Jackson, 24, has admitted in court that he raped a 23-year-old Berkeley woman 10 days before he killed three employees of an Oakland mortu-

ary.

Returned from the prison where he is serving life for the slayings, Jackson pleaded guilty to a rape count. He also admitted aiding and abetting a companion to rape the victim following her kidnaping.

Superior Court Judge Alan A. Lindsay sentenced Jackson to life imprisonment on the rape charge, making the term concurrent with his present sentence. Dismissed were four other kidnaping, rape and robbery counts.

The judge gave Jackson credit for time served from the day of his arrest, Feb. 8, 1974. The two-man kidnap-rape-robbery had occurred the previous Jan. 21, and Berkeley police arrested him at his Oakland home as a suspect.

They obtained from his father a brown jacket, described by the rape victim. A button was missing from it.

Oakland homicide Sgt. Fred Farkas noted that the buttons were identical to one found beside the body of Doris Bryant, 68, one of the three victims stabbed to death in the Albert Brown Mortuary, Jan. 31, 1974.

The button and jacket were key pieces of evidence in Jackson's trial for the murders.

Jackson's companion in the kidnap-rape-robbery pleaded guilty earlier and was sent to prison. He is Kenneth Eugene Davis, 23.